



July 27, 2006

TO: Transportation Authority of Marin Commissioners

FROM: Dianne Steinhauser, Executive Director

RE: Conflict of Interest Designations - Agenda Item 6c

Dear Commissioners:

Executive Summary

The Political Reform Act requires every government agency to review its conflict of interest code biennially to determine if it is accurate or, alternatively, that the code must be amended. TAM is in the process of hiring staff that will have materially relevant decision-making responsibilities or will participate in the decision making process. It is necessary, therefore, to amend its conflict of interest code to add these positions and their respective disclosure categories.

Recommendation: Adopt Resolution 2006-11 which amends the list of designated positions and the disclosure categories assigned to each position.

TAM adopted the administrative code on July 22, 2004 and subsequently approved an amendment to the code requiring adoption of a resolution specifying designated positions that are deemed to make, or participate in the making of, decisions that may have a foreseeable material effect on a financial interest. Also required in the resolution is the specification of a disclosure category for each position. Resolution No. 2005-12b was adopted on November 17, 2005.

TAM is in the process of hiring additional staff whose realm of responsibility will include making or participating in the decision-making process that may have a foreseeable material effect on a financial interest. Attached is a resolution amending the list of designated positions and the designation of disclosure categories for each position.

Recommendation

Staff recommends that TAM:

1. Review and adopt the proposed resolution amending the list of designated positions and their disclosure categories.

Attachment: Resolution 2006-11

Resolution No. 2006-11

A RESOLUTION OF THE TRANSPORTATION AUTHORITY OF MARIN AMENDING A CONFLICT OF INTEREST CODE TO ADD NEW POSITIONS AND DESIGNATIONS

WHEREAS, the Political Reform Act, Government Code sections 81000 et seq., requires state and local government agencies to adopt Conflict of Interest Codes, and to review those codes every two years; and

WHEREAS, in 2004 the Transportation Authority of Marin ("TAM") adopted an Administrative Code containing the conflict of interest code pursuant to state law, and has determined that to remain in compliance with state law that code should be amended to add and designate positions;

WHEREAS, the Administrative Code to allow changes to designated positions and designated disclosure categories by resolution.

NOW, THEREFORE, BE IT RESOLVED that the positions of appointed committee members and consultants shall be added to the list of designated positions in Section 107.2 to report in both disclosure categories. Further, the code is hereby amended to designate disclosure categories for designated positions as follows:

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Member of the Board of Commissioners	1, 2
Member of Appointed Committees	1, 2
Executive Director	1, 2
Financial Manager	1, 2
Programming Manager	1, 2
Project Delivery Manager	1, 2
Planning Manager	1, 2
Consultants	*

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code, subject to the following:

The Executive Director may determine in writing that a particular consultant, although in a "designated position" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements. The Executive Director's

determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

PASSED AND ADOPTED at a regular meeting of the Transportation Authority of Marin, on the 27th day of July, 2006 by the following vote to-wit:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

STEVE KINSEY, CHAIR
TRANSPORTATION AUTHORITY OF MARIN

ATTEST:

Dianne Steinhauser
Executive Director